By: King of Hemphill H.B. No. 671

A BILL TO BE ENTITLED

AN ACT

relating to secondary-level assessment of public school students.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 18.006(b), Education Code, is amended to read as follows:

(b) In addition to other factors determined to be appropriate by the commissioner, the accountability system must include consideration of:

(1) student performance on the [~~end-of-course~~] assessment instruments required by Section 39.023(c); and

(2) dropout rates, including dropout rates and diploma program completion rates for the grade levels served by the diploma program.

SECTION 2. Section 25.005(b), Education Code, is amended to read as follows:

(b) A reciprocity agreement must:

(1) address procedures for:

(A) transferring student records;

(B) awarding credit for completed course work; and

(C) permitting a student to satisfy the requirements of Section 39.025 through successful performance on comparable [~~end-of-course or other exit-level~~] assessment instruments administered in another state; and

(2) include appropriate criteria developed by the agency.

SECTION 3. Section 28.014(a), Education Code, is amended to read as follows:

(a) Each school district shall partner with at least one institution of higher education to develop and provide courses in college preparatory mathematics and English language arts. The courses must be designed:

(1) for students at the 12th grade level whose performance on:

(A) an [~~end-of-course~~] assessment instrument required under Section 39.023(c) does not meet college readiness standards; or

(B) coursework, a college entrance examination, or an assessment instrument designated under Section 51.334 indicates that the student is not ready to perform entry-level college coursework; and

(2) to prepare students for success in entry-level college courses.

SECTION 4. Section 28.0211(o), Education Code, is amended to read as follows:

(o) This section does not require the administration of a fifth [~~or eighth~~] grade assessment instrument in a subject under Section 39.023(a) to a student enrolled in the fifth [~~or eighth~~] grade[~~, as applicable,~~] if the student[~~:~~

[~~(1)~~] is enrolled in a course in the subject intended for students above the student's grade level and will be

administered an assessment instrument adopted or developed under Section 39.023(a) that aligns with the curriculum for the course in which the student is enrolled[~~, or~~

[~~(2) is enrolled in a course in the subject for which the student will receive high school academic credit and will be administered an end-of-course assessment instrument adopted under Section 39.023(c) for the course~~].

SECTION 5. Section 28.023(c), Education Code, is amended to read as follows:

(c) A school district shall give a student in grade level six or above credit for a subject on the basis of an examination for credit in the subject approved by the board of trustees under Subsection (a) if the student scores in the 80th percentile or above on the examination or if the student achieves a score as provided by Subsection (c-1). If a student is given credit in a subject on the basis of an examination, the district shall enter the examination score on the student's transcript [~~and the student is not required to take an end-of-course assessment instrument adopted under Section 39.023(c) for that subject~~].

SECTION 6. Section 28.025(b-4), Education Code, is amended to read as follows:

(b-4) A school district may offer the curriculum described in Subsections (b-1)(1) through (4) in an applied manner. Courses delivered in an applied manner must cover the essential knowledge and skills[~~, and the student shall be administered the applicable end-of-course assessment instrument as provided by Sections 39.023(c) and 39.025~~].

SECTION 7. Section 28.0255, Education Code, is amended by amending Subsections (g) and (h) and adding Subsection (g-1) to read as follows:

(g) A student entering the ninth grade during the 2019-2020 school year is entitled to a high school diploma if the student:

(1) successfully complies with the curriculum requirements specified under Subsection (e); and

(2) performs satisfactorily, as determined by the commissioner under Subsection (h), on the [~~end-of-course~~] assessment instrument required [~~instruments listed~~] under Section 39.023(c) [~~for courses in which the student was enrolled~~].

(g-1) A student other than a student described by Subsection (g) is entitled to a high school diploma if the student:

(1) successfully complies with the curriculum requirements specified under Subsection (e); and

(2) performs satisfactorily, as determined by the commissioner under Subsection (h), on assessment instruments listed under Section 39.023(c), as that section existed before amendment by _.B. ___, Acts of the 86th Legislature, Regular Session, 2019, for courses in which the student was enrolled.

(h) For purposes of Subsections [~~Subsection~~] (g)(2) and (g-1)(2), the commissioner shall determine the level of satisfactory performance on applicable [~~end-of-course~~] assessment instruments administered to a student.

SECTION 8. Sections 29.081(b) and (b-1), Education Code, are amended to read as follows:

(b) Each district shall provide accelerated instruction to

a student enrolled in the district who has taken an [~~end-of-course~~] assessment instrument required [~~administered~~] under Section 39.023(c) and has not performed satisfactorily on the assessment instrument or who is at risk of dropping out of school.

(b-1) Each school district shall offer before the next scheduled administration of the assessment instrument, without cost to the student, additional accelerated instruction to each student in any subject in which the student failed to perform satisfactorily on an [~~end-of-course~~] assessment instrument required for graduation.

SECTION 9. Section 29.087(f), Education Code, is amended to read as follows:

(f) A student participating in a program authorized by this section, other than a student ordered to participate under Subsection (d)(1), [~~must have taken the appropriate end-of-course assessment instruments specified by Section 39.023(c) before entering the program and~~] must take the [~~each appropriate end-of-course~~] assessment instrument required under Section 39.023(c) before or [~~administered~~] during the period in which the student is enrolled in the program. Except for a student ordered to participate under Subsection (d)(1), a student participating in the program may not take the high school equivalency examination unless the student has taken the assessment instrument as [~~instruments~~] required by this subsection.

SECTION 10. Section 29.402(b), Education Code, is amended to read as follows:

(b) A person who is under 26 years of age is eligible to

enroll in a dropout recovery program under this subchapter if the person:

(1) must complete not more than three course credits to complete the curriculum requirements for the foundation high school program for high school graduation; or

(2) has failed to perform satisfactorily on:

(A) an [~~end-of-course~~] assessment instrument required [~~administered~~] under Section 39.023(c);

(B) an assessment instrument administered under Section 39.023(c) as that section existed before amendment by _.B. ___, Acts of the 86th Legislature, Regular Session, 2019; or

(C) an assessment instrument administered under Section 39.023(c) as that section existed before amendment by Chapter 1312 (S.B. 1031), Acts of the 80th Legislature, Regular Session, 2007.

SECTION 11. Section 39.023, Education Code, is amended by amending Subsections (a-2), (c), (c-3), (c-5), (e), (g), (h), (i), and (p) and by adding Subsection (h-1) to read as follows:

(a-2) Except as required by federal law, a student is not required to be assessed in a subject otherwise assessed at the student's grade level under Subsection (a) if the student[~~:~~

[~~(1)~~] is enrolled in a course in the subject intended for students above the student's grade level and will be administered an assessment instrument adopted or developed under Subsection (a) that aligns with the curriculum for the course in which the student is enrolled[~~; or~~

[~~(2) is enrolled in a course in the subject for which~~

~~the student will receive high school academic credit and will be administered an end-of-course assessment instrument adopted under Subsection (c) for the course~~].

(c) The commissioner shall identify a procedure for a school district to select as a secondary-level assessment instrument the Texas Success Initiative (TSI) diagnostic assessment or a nationally recognized, norm-referenced assessment instrument, including the SAT or the ACT. A school district shall require the administration of the secondary-level assessment instrument selected under this subsection to students in grade 11. [~~The agency shall also adopt end-of-course assessment instruments for secondary-level courses in Algebra I, biology, English I, English II, and United States history. The Algebra I end-of-course assessment instrument must be administered with the aid of technology. The English I and English II end-of-course assessment instruments must each assess essential knowledge and skills in both reading and writing in the same assessment instrument and must provide a single score.~~] A school district shall comply with State Board of Education rules regarding administration of an [~~the~~] assessment instrument under [~~instruments listed in~~] this subsection. If a student is in a special education program under Subchapter A, Chapter 29, the student's admission, review, and dismissal committee shall determine whether any allowable modification is necessary in administering to the student an assessment instrument required under this subsection. [~~The State Board of Education shall administer the assessment instruments. The State Board of Education shall adopt a schedule for the~~

~~administration of end-of-course assessment instruments that complies with the requirements of Subsection (c-3).~~]

(c-3) In adopting a schedule for the administration of assessment instruments under this section, the State Board of Education shall require[~~:~~

[~~(1)~~] assessment instruments administered under Subsection (a) to be administered on a schedule so that the first assessment instrument is administered at least two weeks later than the date on which the first assessment instrument was administered under Subsection (a) during the 2006-2007 school year[~~; and~~

[~~(2) the spring administration of end-of-course assessment instruments under Subsection (c) to occur in each school district not earlier than the first full week in May, except that the spring administration of the end-of-course assessment instruments in English I and English II must be permitted to occur at an earlier date~~].

(c-5) A student's performance on an [~~end-of-course~~] assessment instrument required under Subsection (c) must be included in the student's academic achievement record.

(e) Under rules adopted by the State Board of Education, every third year, the agency shall release the questions and answer keys to each assessment instrument administered under Subsection (a), (b), [~~(c), (d),~~] or (l), excluding any assessment instrument administered to a student for the purpose of retaking the assessment instrument, after the last time the instrument is administered for that school year. To ensure a valid bank of questions for use each year, the agency is not required to release a

question that is being field-tested and was not used to compute the student's score on the instrument. The agency shall also release, under board rule, each question that is no longer being field-tested and that was not used to compute a student's score. [~~During the 2014-2015 and 2015-2016 school years, the agency shall release the questions and answer keys to assessment instruments as described by this subsection each year.~~]

(g) An [~~The State Board of Education may adopt one appropriate, nationally recognized, norm-referenced~~] assessment instrument under Subsection (c) [~~in reading and mathematics to be administered to a selected sample of students in the spring. If adopted, a norm-referenced assessment instrument~~] must be a secured test. The commissioner shall contract with a vendor to administer the assessment instrument, complete the scoring of the assessment instrument, and distribute within a reasonable period the results to the agency and the relevant results to each school district. As soon as practicable after the district receives the results from the vendor under this subsection, the district shall:

(1) distribute the relevant results to each district campus; and

(2) provide written notice to the student and the person standing in parental relation to the student that states the student's results and whether the student performed satisfactorily on the assessment instrument [~~The state may pay the costs of purchasing and scoring the adopted assessment instrument and of distributing the results of the adopted instrument to the school districts. A district that administers the norm-referenced test~~

~~adopted under this subsection shall report the results to the agency in a manner prescribed by the commissioner~~].

(h) Except as provided by Subsection (g), the [~~The~~] agency shall notify school districts and campuses of the results of assessment instruments administered under this section not later than the 21st day after the date the assessment instrument is administered.

(h-1) A [~~The~~] school district shall disclose to each district teacher the results of assessment instruments administered to students taught by the teacher in the subject for the school year in which the assessment instrument is administered.

(i) The provisions of this section[~~, except Subsection (d),~~] are subject to modification by rules adopted under Section 39.022. Each assessment instrument adopted under those rules [~~and each assessment instrument required under Subsection (d)~~] must be reliable and valid and must meet any applicable federal requirements for measurement of student progress.

(p) On or before September 1 of each year, the commissioner shall make the following information available on the agency's Internet website for each assessment instrument administered under Subsection (a)[~~, (c),~~] or (l) and for the Texas Success Initiative (TSI) diagnostic assessment:

(1) the number of questions on the assessment instrument;

(2) the number of questions that must be answered correctly to achieve satisfactory performance as determined by the commissioner under Section 39.0241(a);

(3) the number of questions that must be answered correctly to achieve satisfactory performance under the college readiness performance standard as provided by Section 39.0241; and

(4) the corresponding scale scores.

SECTION 12. Subchapter B, Chapter 39, Education Code, is amended by adding Section 39.02303 to read as follows:

Sec. 39.02303. SECONDARY-LEVEL ASSESSMENT PREPARATORY COURSE. Each school district shall require secondary-level students to attend, before the student is administered the assessment instrument required under Section 39.023(c), a course designed to prepare students to succeed on the assessment instrument required by the district.

SECTION 13. Section 39.0234, Education Code, is amended by amending Subsection (a) and adding Subsection (b) to read as follows:

(a) Except as provided by Subsection (b), the [~~The~~] agency shall ensure that assessment instruments required under Section 39.023 are capable of being administered by computer. The commissioner may not require a school district or open-enrollment charter school to administer an assessment instrument by computer.

(b) Subsection (a) does not apply to a nationally recognized, norm-referenced assessment instrument under Section 39.023(c).

SECTION 14. Section 39.0241, Education Code, is amended by amending Subsection (a-1) and adding Subsection (a-2) to read as follows:

(a-1) The commissioner of education, in collaboration with

the commissioner of higher education, shall determine the level of performance necessary to indicate college readiness[~~, as defined by Section 39.024(a)~~].

(a-2) In this section, "college readiness" means the level of preparation a student must attain in English language arts and mathematics courses to enroll and succeed, without remediation, in an entry-level general education course for credit in that same content area for a baccalaureate degree or associate degree program at:

(1) a general academic teaching institution, as defined by Section 61.003, other than a research institution, as categorized under the Texas Higher Education Coordinating Board's accountability system; or

(2) a postsecondary educational institution that primarily offers associate degrees or certificates or credentials other than baccalaureate or advanced degrees.

SECTION 15. Sections 39.025(a), (a-4), (b), (b-1), and (f), Education Code, are amended to read as follows:

(a) The commissioner shall adopt rules requiring a student in the foundation high school program under Section 28.025 to be administered during the student's 11th grade year an [~~end-of-course~~] assessment instrument selected under [~~listed in~~] Section 39.023(c) by the school district in which the student is enrolled [~~only for a course in which the student is enrolled and for which an end-of-course assessment instrument is administered~~]. A student is required to achieve a scale score that indicates satisfactory performance, as determined by the commissioner under

Section 39.0241(a), on the [~~each end-of-course~~] assessment instrument administered to the student. For each scale score required under this subsection that is not based on a 100-point scale scoring system, the commissioner shall provide for conversion, in accordance with commissioner rule, of the scale score to an equivalent score based on a 100-point scale scoring system. A student may not receive a high school diploma until the student has performed satisfactorily on the [~~end-of-course~~] assessment instrument [~~instruments~~] in the manner provided under this subsection. This subsection does not require a student to demonstrate readiness to enroll in an institution of higher education.

(a-4) The admission, review, and dismissal committee of a student in a special education program under Subchapter A, Chapter 29, shall determine whether, to receive a high school diploma, the student is required to achieve satisfactory performance on the [~~end-of-course~~] assessment instruments required under Section 39.023(c).

(b) Each time an [~~end-of-course~~] assessment instrument required [~~adopted~~] under Section 39.023(c) is administered, a student who failed to achieve a score requirement under Subsection (a) may retake the assessment instrument. [~~A student is not required to retake a course as a condition of retaking an end-of-course assessment instrument.~~]

(b-1) A school district shall provide each student who fails to perform satisfactorily as determined by the commissioner under Section 39.0241(a) on an [~~end-of-course~~] assessment instrument

required under Section 39.023(c) with accelerated instruction [~~in the subject assessed by the assessment instrument~~].

(f) The commissioner shall by rule adopt a transition plan to implement the amendments made by __.B. ____, Acts of the 86th Legislature, Regular Session, 2019 [~~Chapter 1312 (S.B. No. 1031), Acts of the 80th Legislature, Regular Session, 2007~~], replacing [~~general subject assessment instruments administered at the high school level with~~] end-of-course assessment instruments with an assessment instrument under Section 39.023(c). The rules must provide for an [~~the end-of-course~~] assessment instrument [~~instruments adopted~~] under Section 39.023(c) to be administered beginning with students enrolled in the ninth grade for the first time during the 2017-2018 [~~2011-2012~~] school year. During the period under which the transition from [~~to~~] end-of-course assessment instruments is made:

(1) for students entering a grade above the ninth grade during the 2017-2018 [~~2011-2012~~] school year or students repeating ninth grade during the 2017-2018 [~~2011-2012~~] school year, the commissioner shall retain, administer, and use for purposes of accreditation and other campus and district accountability measures under this chapter the end-of-course assessment instruments required by Section 39.023(c) [~~39.023(a) or (c)~~], as that section existed before amendment by __.B. ____, Acts of the 86th Legislature, Regular Session, 2019 [~~Chapter 1312 (S.B. No. 1031), Acts of the 80th Legislature, Regular Session, 2007~~]; and

(2) a student subject to Subdivision (1) may not

receive a high school diploma unless the student has performed satisfactorily on the [~~SAT, the ACT, the Texas Success Initiative (TSI) diagnostic assessment, or the~~] current assessment instrument selected by a district under Section 39.023(c) [~~or instruments administered for graduation purposes as provided by Subsection (f-1)~~] or on each required assessment instrument administered under Section 39.023(c), as that section existed before amendment by __.B. ____, Acts of the 86th Legislature, Regular Session, 2019 [~~Chapter 1312 (S.B. No. 1031), Acts of the 80th Legislature, Regular Session, 2007~~].

SECTION 16. Section 39.034(d), Education Code, is amended to read as follows:

(d) The agency shall determine the necessary annual improvement required each year for a student to be prepared to perform satisfactorily on, as applicable:

(1) the grade five assessment instruments;

(2) the grade eight assessment instruments; and

(3) the [~~end-of-course~~] assessment instruments required under this subchapter for graduation.

SECTION 17. Section 39.035(a), Education Code, is amended to read as follows:

(a) Subject to Subsection (b), the agency may conduct field testing of questions for any assessment instrument administered under Section 39.023(a), (b), [~~(c), (d),~~] or (l) that is separate from the administration of the assessment instrument not more frequently than every other school year.

SECTION 18. Section 51.338(c), Education Code, is amended

to read as follows:

(c) A student who has achieved scores set by the board on the questions developed for end-of-course assessment instruments under Section 39.0233(a), as that section existed before repeal by __.B. ____, Acts of the 86th Legislature, Regular Session, 2019, is exempt from the requirements of this subchapter. The exemption is effective for the three-year period following the date a student takes the last assessment instrument for purposes of this subchapter and achieves the standard set by the board. This subsection does not apply during any period for which the board designates the questions developed for end-of-course assessment instruments under Section 39.0233(a), as that section existed before repeal by _.B. ____, Acts of the 86th Legislature, Regular Session, 2019, as the primary assessment instrument under this subchapter, except that the three-year period described by this subsection remains in effect for students who qualify for an exemption under this subsection before that period.

SECTION 19. Effective September 1, 2019, the following sections of the Education Code are repealed:

(1) Sections 39.023(c-2), (c-4), (c-6), and (d);

(2) Section 39.0232;

(3) Section 39.0233;

(4) Section 39.024;

(5) Sections 39.025(a-1), (e-1), (f-1), and (f-2);

(6) Section 39.025(a-2), as added by Chapter 1036 (H.B. 1613), Acts of the 84th Legislature, Regular Session, 2015;

(7) Section 39.0261(e);

(8) Section 39.053(d-1); and

(9) Section 39.203(d).

SECTION 20. As soon as practicable after the effective date of this Act, each school district shall provide notice to an eighth grade student under Section 39.025(g), Education Code, informing the student of the specific requirements applicable to the student under Sections 39.023(c) and 39.025(a), Education Code, as amended by this Act.

SECTION 21. This Act applies beginning with the 2019-2020 school year.

SECTION 22. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.